

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

June 9, 2006

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Request to Amend Title 13, Chapter 5, Hawaii Administrative Rules (Chap. 13-5, HAR), to designate a portion of the State Land Use Conservation District into the Resource Subzone

PETITIONER: County of Kauai

LANDOWNER: County of Kauai

LOCATION: Kealia, Island of Kauai

TMKs: (4) 4-7-007:029

AREA OF PARCEL/ 59.101 Acres

PETITION AREA: Approximately 44 acres

SUBZONE: Undesignated

BACKGROUND

On March 25, 2004, the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) KA-3160 for the Kealia-Kapaa Bike and Pedestrian Pathway. Condition #19 states: *The area south of Paliku Point up to Ahihi Point is an undesignated subzone; once the subzone has been designated, the applicant can implement the changes proposed in the CDUA.* The County of Kauai is requesting a rule amendment to change the undesignated subzone to the Resource subzone in compliance with Condition #19 of CDUP KA-3160.

DESCRIPTION OF AREA AND CURRENT USE

The subject area is located within the Kealia ahupua'a and is referred to as the "Kealia Kai Subdivision Section." The area is rural and undeveloped. The undesignated subzone stretches about 1,000 feet along the coastline between Paliku Point and Ahihi Point, and varies from 150 feet to over 400 feet in width. The undesignated subzone is located directly makai of the Kealia Kai subdivision and includes Kuna Bay (**Exhibit 1**).

Existing Land Use Classifications

The subject parcel is newly created and includes lands that were dedicated to the County of Kauai by a private landowner. The dedication of land is approximately 59.10 acres and lies within the Limited and undesignated subzones of the Conservation District. The undesignated area had formerly been within the Agricultural State Land Use District. Pursuant to Land Use Commission Docket No. BR94-715, the Office of State Planning, with the consensus of then landowner, petitioned the State Land Use Commission (LUC) to reclassify the subject area into the Conservation District. The subject area was redesignated on July 20, 1995. (**Exhibit 2 & 3**).

Geographic Characteristics

The sandy beach at Kuna Bay, known as Donkey Beach, slopes gradually mauka toward the Kealia Kai subdivision. Mauka of the sandy beach, the terrain becomes a rocky bank as it slopes upward toward the existing cane haul road. At the top of the slope near the cane haul road, the topography opens up with less steep grades associated with surrounding properties. The southern and the northern ends of the undesignated subzone area, near Paliku Point and Ahihi Point, are characterized by basalt boulder and cobble beaches (**Exhibit 4 & 5**).

The shoreline fronting the Kealia Kai Subdivision is characterized by basalt boulder and cobble beaches, and backed by steeply sloping dirt and rocky banks. There is no fringing reef offshore. There is a section of this shoreline about 600 to 700 feet long that is an area subject to coastal erosion.

Along the southern half, there is a basalt shelf that extends 100 to 150 feet seaward of the shoreline. This shelf causes waves to break along its seaward edge, and thus shelters the shoreline from wave effects. At the base of the bank, a basalt boulder and cobble beach extends to the basalt shelf at the waterline. Most of this reach is well vegetated which is evidence that it is relatively stable and well protected by the basalt shelf and boulder beach. The edge of the cane haul road has been eroded in a few locations which appear to be due mostly to surface runoff from inland areas.

The northern half of this section shows evidence of wave erosion. There is no basalt shelf, and waves break closer to shore. A basalt boulder and cobble beach extends from the base of the bank at an elevation of about 11 feet to a basalt rock outcrop extending into the water at an elevation of about 4 feet msl. There is no vegetation on the bank

along this reach, indicating that it is not as stable and may be directly impacted by large waves.

Climatic Characteristics

The climate in this area is warm with moderate rainfall and similar to that of the Lihue area. The average annual daily temperature recorded in Lihue ranged between 71 and 80 degrees Fahrenheit in the year 2000 with an average annual temperature of 76 degrees. The average annual rainfall recorded at the Lihue and Moloaa stations (south and north of the subject area) are about 43 and 51 inches, respectively. The predominate surface wind is the prevailing trade winds from the northeast dominate from April to November. Winds from the south are infrequent occurring only a few days a year and mostly in the winter associated with "Kona" storms. Wind speeds are predominantly in the 13 to 24 miles per hour range.

Hydrological Characteristics

Homaikawa'a Stream is located just south of Ahihi Point, within the subject area. While conducting a survey of the subject area for the Environmental Assessment, the stream consisted of a dry gulch leading to an estuarine pool. Runoff flows through the gulch into the ocean only during storm events.

According to the Flood Insurance Rate Maps (FIRM), the subject undesignated subzone area is not located within a floodplain. However, it is located in zone VE, an area subject to coastal flood with velocity hazard (wave action). Base flood elevations in the area vary between 20 and 21 feet.

Biological Characteristics

The flora vegetation in this area is classified as Coastal Dry Shrub land, consisting of scattered herbs, grasses, vines, shrubs and trees that are mostly indigenous to Hawaii. The most common vegetation includes Beach morning glory or pohuehue, pa'u o hi'iaka, alena, naupaka, akulikuli, pohinahina, ilima and akiaki grass. According to the Final Environmental Assessment done for the Kapa'a-Kealia Bike/Pedestrian Path Proposal, no proposed or listed threatened or endangered botanical species were observed in the subject area.

Avifaunal and feral mammal surveys identified the presence of the endangered Hawaiian Hoary bat and an endangered Hawaiian monk seal hauled out on the beach north of Paliku Point in the subject area. Domestic dogs, evidence of cats and horses were noted.

An avian survey conducted for the Bike/Pedestrian Path noted that the majority of bird species along the project corridor were alien species. Listed seabird species such as the dark-rumped petrel and the threatened Newell's shearwater are known to cross the Kauai coastline in relatively large numbers during breeding season. Avian diversity and densities along the study corridor was described as low.

Historic Sites

The archaeological inventory survey and a traditional and cultural practice assessment conducted in 2002 were reviewed and approved by the State Historic Preservation Division. Six historic properties were identified, a military platform and foxhole from World War II, a ditch, retaining wall and wall with a probable age from 1890's to the present and native Hawaiian burials.

Burials at Kuna Bay have been reported by other archaeological studies, and were the subject of a Burial Treatment Plan reviewed and approved by the Kauai/Niihau Island Burial Council and the State Historic Preservation Division.

Scenic & Visual Resources

The subject area's coastline has been identified as an important scenic resource in the Kauai General Plan. Development in the adjacent Agricultural area shall change the view plane from Kuhio Highway.

Infrastructure Evaluations

According to the petitioner, a rest pavilion may be sited within the subject area. The rest pavilion will be an open sided, covered structure, with a concrete slab floor, approximately 400 square feet in size. A paved pathway will lead from the Bike/Pedestrian Path makai to the rest pavilion. Future extensions of the path may include other accessory uses such as picnic shelters and a comfort station.

REVIEW OF PROPERTY CHARACTERISTICS IN RELATION TO SUBZONE OBJECTIVES

The objective of the resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. In the future, regarding this particular area, this would encompass lands necessary for providing future parklands, lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking and lands and state marine waters seaward of the upper reaches of the wash of waves.

The applicant proposes to construct a rest pavilion for recreational use that is an accessory to the path improvements for the Kapaa to Kealia Bike and Pedestrian Path in the subject area. In addition, the applicant shall implement the approved Burial Treatment Plan to protect an existing burial area from vehicles and pedestrians. Proposed improvements in the Conservation District will be very low intensity, and will not alter natural conditions.

ALTERNATIVES CONSIDERED

The only alternatives possible are to designate the subject parcel within another subzone of the Conservation District. Staff notes the undesignated Conservation District has adjacent Limited subzone lands to the north and to the south. Staff believes the subject area is in conformity with the objectives for the Limited subzone. It contains lands susceptible to erosion, tsunami and is located in zone VE, an area subject to coastal flood with velocity hazard (wave action). Staff believes that the area is more suitable for a Limited subzone designation.

STAFF ANALYSIS:

Pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR), any change to Conservation District subzone boundaries must be made by amending Chapter 13-5, HAR. Statutes and rules that govern the process by which amendments of Chapter 13-5, HAR, may be made include:

- A. § 91-2 through 91-7, Hawaii Revised Statutes (HRS);
- B. § 2, Act 168, Session Laws of Hawaii 1998;
- C. § 183(c)-4, HRS;
- D. § 13-1, HAR; and
- E. § 13-5-5, HAR.

Authorization for Public Hearing:

The first major step to amend the administrative rules is to hold a public hearing. Approval from the Board of Land and Natural Resources to hold a public hearing was granted on November 18, 2005. Approval from the Governor was granted on March 6, 2006.

Public Hearing, May 3, 2006

The Public Hearing regarding the Boundary designation was held at 5:45 pm at the Lihue Public Library located at 4344 Hardy Street, Lihue, Kauai. Two individuals were present, Contractor Mark Nishida of Jas. W. Glover, Ltd. and Doug Haigh of the County of Kauai. Mr. Haigh stated that the topography of the area such as the rolling hills and beach area is consistent with the Resource subzone. The County of Kauai desires to utilize the area for public park purposes for the General Public use and benefit. The County is proposing to possibly construct a comfort station and rest pavilions.

Approval/Disapproval:

Should the Board approve this petition then the proposed rule change will be forwarded to the Governor for approval (**Exhibit 6 & 7**). If approved, both the Legislative Reference Bureau and the Department of the Attorney General would review, and the Department of the Attorney General would approve as to form, the proposed rule change prior to forwarding the proposed rule change to the Governor for decision.

DISCUSSION

Staff is of the opinion that the Limited subzone is the most appropriate designation for the area. The subject portion of the Conservation District is adjacent to coastal Conservation District within the Limited subzone to the north and south. The subject area is in conformity with the objectives for the Limited subzone. It contains lands susceptible to floods and soil erosion, lands requiring corrective attention by the county and lands necessary for the protection of the health, safety, and welfare of the public by reason of the land's susceptibility to inundation by tsumani and flooding (**Exhibit 8 & 9**).

The sandy beach of Kuna Bay slopes gradually mauka toward the Kealia Kai subdivision. Kuna Bay appears to be the only sandy beach in the subject area. The rest of the shoreline fronting the Kealia Kai subdivision is characterized by basalt boulder and cobble beaches and backed by steeply sloping dirt and rocky banks. There is no fringe reef offshore. The northern half of this section shows evidence of wave erosion; there is no vegetation on the bank along this reach indicating that it is not as stable and may be directly impacted by large waves. Along the southern half, the edge of the cane haul road has been eroded in a few locations which appear to be due mostly to surface runoff from inland areas (**Exhibit 10**).

The subject area has flood zone designation VE, an area subject to coastal flood with velocity hazard (wave action). Base flood elevations in the area vary between 20 and 21 feet. Homaikawa's stream runoff flows through the gulch into the ocean during storm events.


The concerns raised by Mr. Haigh, at the public hearing regarding the Limited subzone are unwarranted. As the land belongs to the County, public purposes uses including park uses could be applied for within the Limited subzone. The more restricted subzone designation is not necessarily inconsistent with passive park use. Although the County desires the subject area to be designated within the Resource subzone, Staff believes that due to the geological and hydrological conditions of the land and that adjacent Conservation District lands to the north and south lie within the Limited subzone, the subject area should be designated as lands within the Limited subzone of the Conservation District.

RECOMMENDATION

Based on the preceding analysis, Staff recommends the Board of Land and Natural Resources :

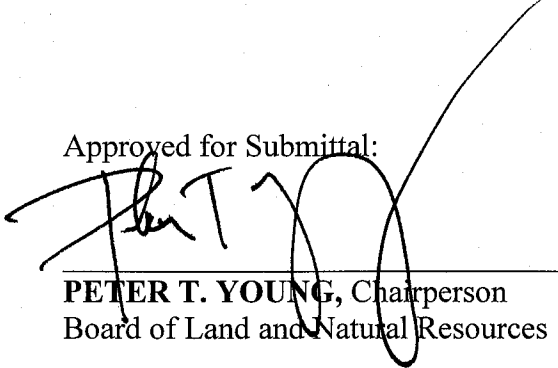
1. Amend the petitioner's request to amend Chapter 13-5, Hawaii Administrative Rules to designate approximately 44 acres of undesignated Conservation District land into the Limited Subzone; and
2. Authorize the forwarding of the rule amendment to the Governor, State of Hawaii for approval and enactment.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for Submittal:



PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

Kapa'a-Kealia Bike/Pedestrian Path

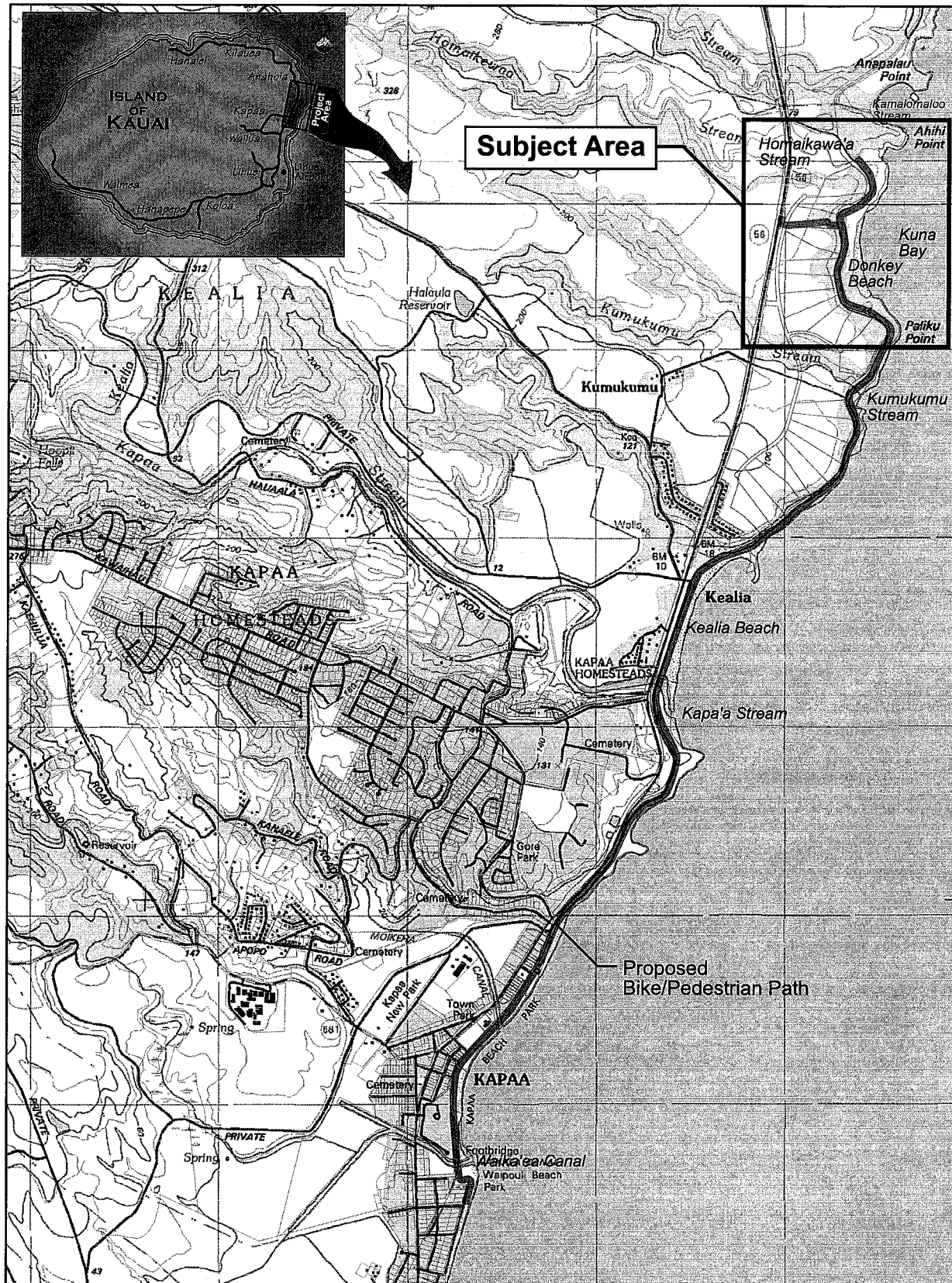
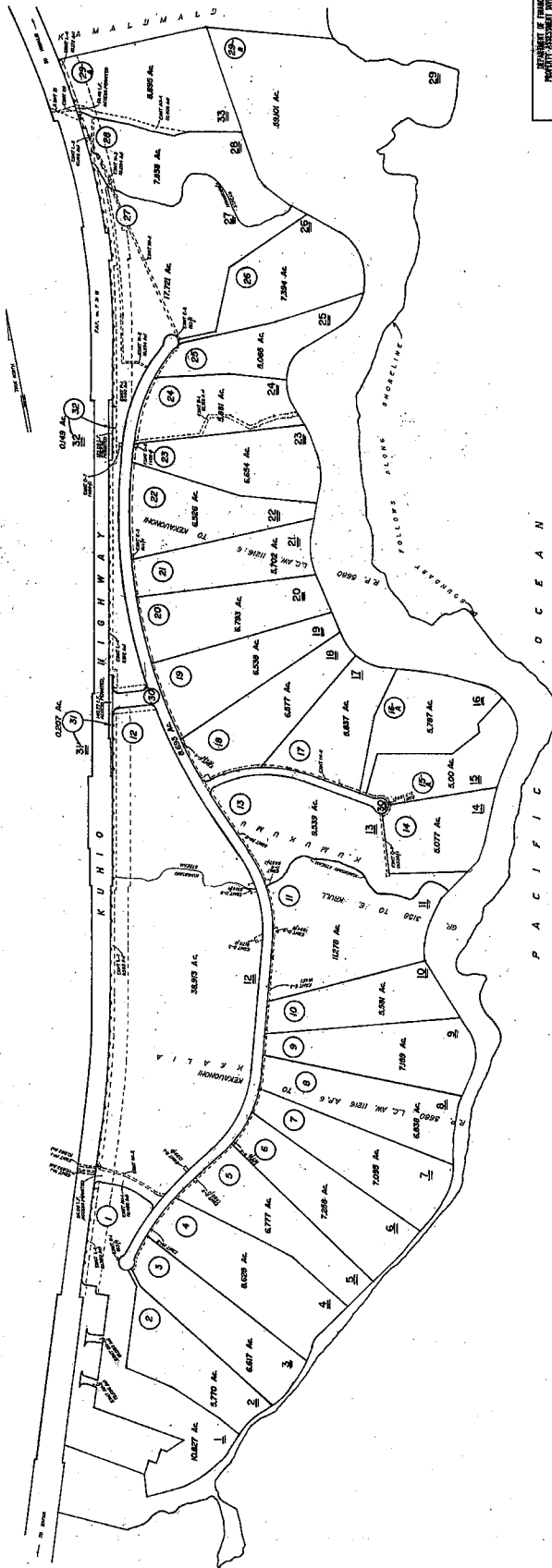


Figure 1
Project Location

EXHIBIT I



DEPARTMENT OF PUBLIC WORKS AND CONSTRUCTION DIVISION OF LAND			
ZONE	SECTION	PLAT	
4	7	07	
SCALE: 1" = 300'			

These tracts, to which this
 plat is subject, are subject to
 the provisions of the Hawaiian
 Land Commission Act, as amended,
 and to the provisions of the
 Hawaiian Land Commission Act,
 as amended, relating to the
 control of land.

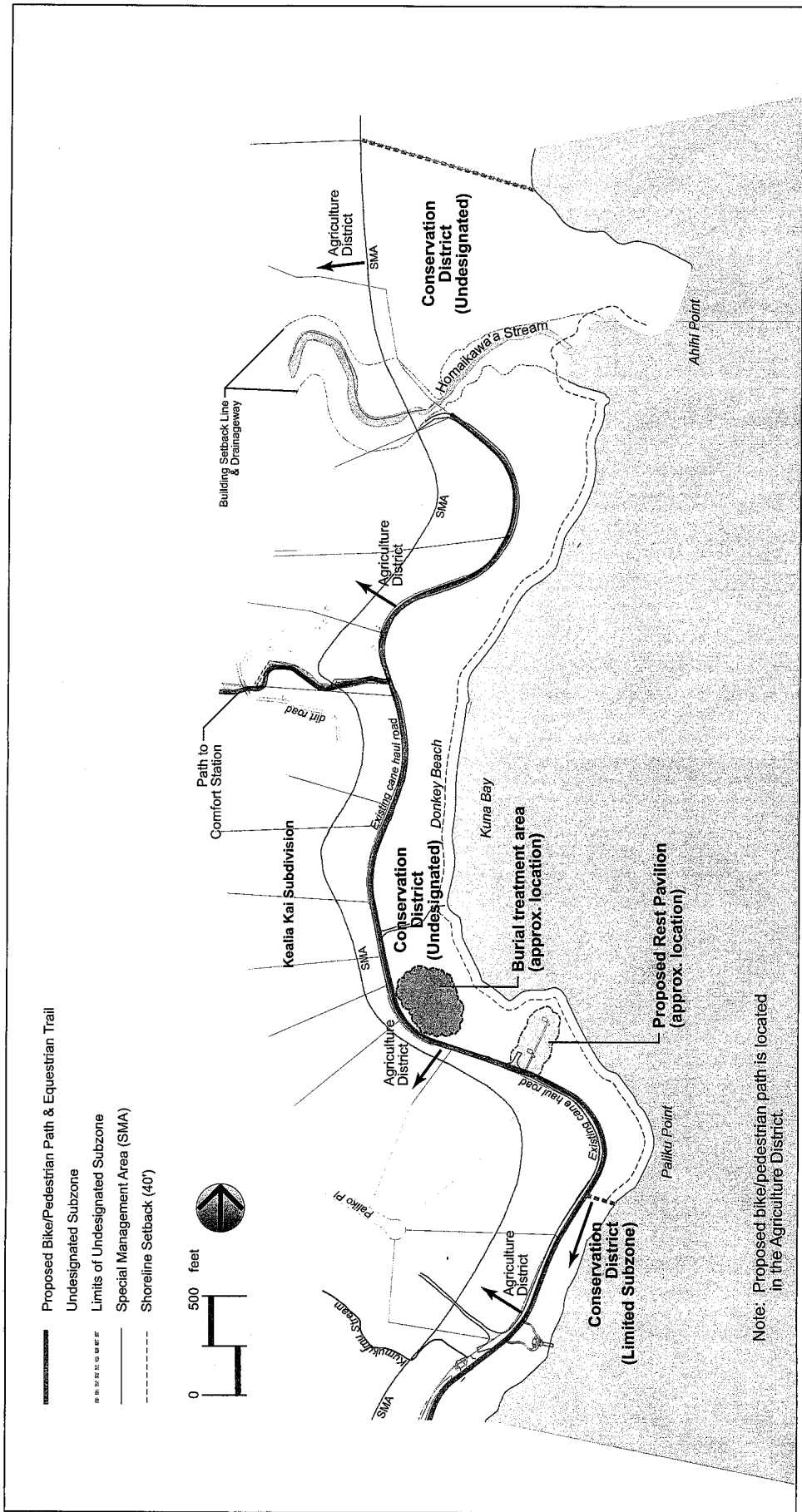
FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

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FOR R.P. 5680 L.C. 12166 GR. 3158 KALIA - KAMALOMALO - KAMIELE KUHIO

895 M. 4304' 1117 07/13/1900 11 08 46 SOURCE L.C. 12166 GR. 3158

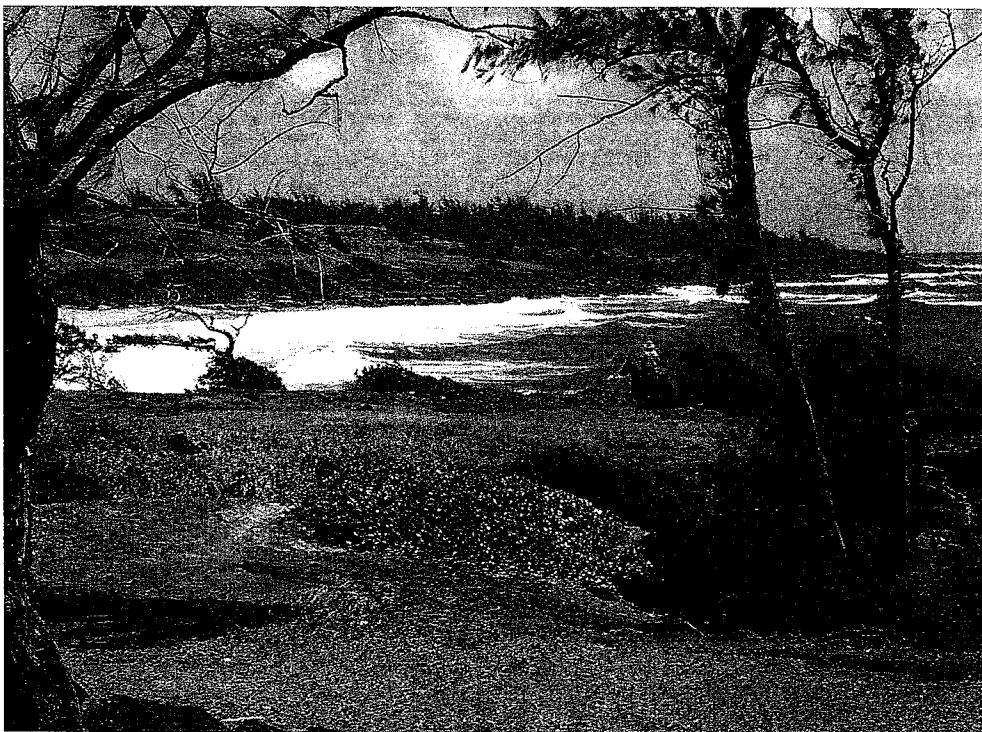
EXHIBIT 2



Conservation District Undesignated Subzone



Kuna Bay, looking south toward Paliku Point



Kuna Bay, looking north toward Ahihi Point.



The beach (Donkey Beach) at Kuna Bay

**Kapa'a to Keālia Bike & Pedestrian Path
Application for Conservation Subzone Designation**



Sloping, rocky topography between Donkey Beach and the existing cane haul road (looking south)

EXHIBIT 5

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Chapter 13-5
Hawaii Administrative Rules

June 9, 2006

1. Section 13-5-10, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) There are hereby established subzones within the conservation district, as listed in Exhibit 1, entitled "Subzone Designations, dated [~~December 13, 2002~~] June 9, 2006." Subzone designations of conservation district lands are delineated on maps on file with the department." [Eff. 04/10/03; am] (Auth: HRS §183C-3) (Imp: HRS §183C-4)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments are not underscored.

4. The amendments to chapter 13-5, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on June 9, 2006, and filed with the Office of the Lieutenant Governor.

Peter T. Young, Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General

EXHIBIT 6

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Chapter 13-5
Hawaii Administrative Rules

June 9, 2006

SUMMARY

1. §13-5-10 (a) is amended.
2. Exhibit 1 to Chapter 13-5, entitled "Subzone Designations: December 13, 2002", is amended.

EXHIBIT 7

§13-5-10

§13-5-10 Subzones; generally. (a) There are hereby established subzones within the conservation district, as listed in Exhibit 1, entitled "Subzone Designations, dated June 9, 2006." Subzone designations of conservation district lands are delineated on maps on file with the department.

[Eff 4/10/03;am

] (Auth: HRS §183C-3) (Imp: HRS §183C-4)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to chapter 13-5, Hawaii Administrative Rules, were adopted on June 9, 2006, following a public hearing held on May 3, 2006, after public notice was given in the Honolulu Star-Bulletin and the Garden Island News on April 2, 19 & 16, 2006.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

PETER T. YOUNG
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General

LINDA LINGLE
Governor
State of Hawaii

Date:

Filed

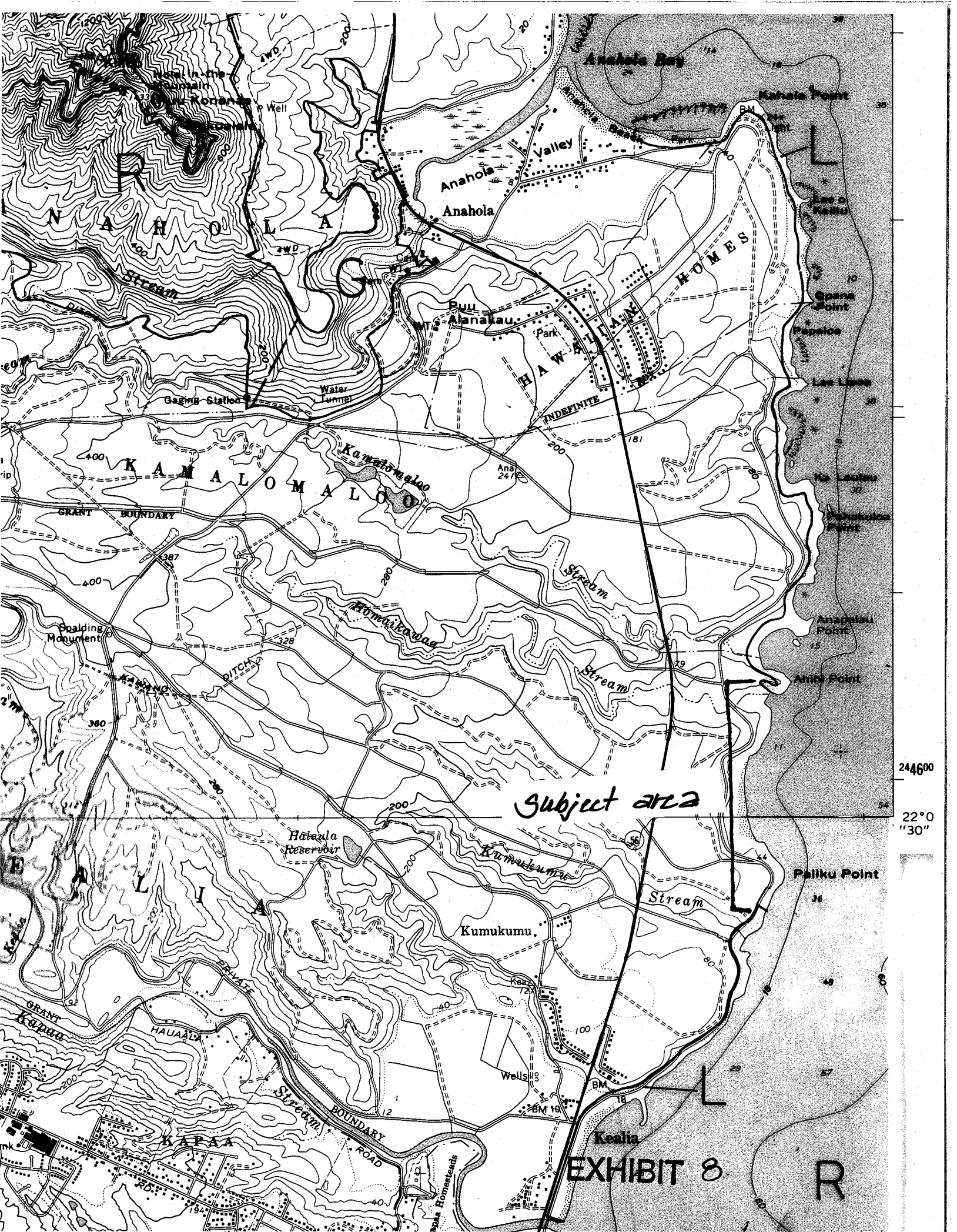
Exhibit 1

Subzone Designations: June 9, 2006

- (1) "H-1, Makalawena," Hawaii, June 4, 1978
- (2) "H-2, Keahole Point," Hawaii, August 23, 1985
- (3) "H-3, Mahukona," Hawaii, August 23, 1985
- (4) "H-4, Keawanui Bay," Hawaii, June 4, 1978
- (5) "H-5, Anaehoomalu," Hawaii, June 4, 1978
- (6) "H-6, Kiholo," Hawaii, August 23, 1985
- (7) "H-7, Kailua," Hawaii, August 23, 1985
- (8) "H-8, Kealakekua," Hawaii, June 4, 1978
- (9) "H-9, Honaunau," Hawaii, December 14, 2001
- (10) "H-10, Kauluoa Point," Hawaii, June 4, 1978
- (11) "H-11, Milolii," Hawaii, August 23, 1985
- (12) "H-12, Manuka Bay," Hawaii, June 4, 1978
- (13) "H-13, Hawi," Hawaii, June 4, 1978
- (14) "H-14, Kawaihae," Hawaii, June 4, 1978
- (15) "H-15, Puu Hinai," Hawaii, June 4, 1978
- (16) "H-16, Puu Anahulu," Hawaii, June 4, 1978
- (17) "H-17, Hualalai," Hawaii, June 4, 1978
- (18) "H-18, Puu Lehua," Hawaii, June 4, 1978
- (19) "H-19, Kaunene," Hawaii, June 4, 1978
- (20) "H-20, Puu Pohakuloa," Hawaii, August 23, 1985
- (21) "H-21, Papa," Hawaii, June 4, 1978
- (22) "H-22, Pohue Bay," Hawaii, August 23, 1985
- (23) "H-23, Puu Hou," Hawaii, June 4, 1978
- (24) "H-24, Honokane," Hawaii, June 4, 1978
- (25) "H-25, Kamuela," Hawaii, June 4, 1978
- (26) "H-26, Nohoaohae," Hawaii, June 4, 1978
- (27) "H-27, Keamuku," Hawaii, June 4, 1978
- (28) "H-28, Naohueleehua," Hawaii, August 23, 1985
- (29) "H-29, Puu O Uo," Hawaii, August 23, 1985
- (30) "H-30, Sulphur Cone," Hawaii, August 23, 1985
- (31) "H-31, Alike Cone," Hawaii, June 4, 1978
- (32) "H-32, Puu o Keokeo," Hawaii, June 4, 1978
- (33) "H-33, Kahuku Ranch," Hawaii, June 4, 1978
- (34) "H-34, Ka Lae," Hawaii, June 4, 1978
- (35) "H-35, Kukuihaele," Hawaii, June 4, 1978
- (36) "H-36, Makahalau," Hawaii, June 4, 1978
- (37) "H-37, Ahumoa," Hawaii, June 4, 1978
- (38) "H-38, Puu Koli," Hawaii, June 4, 1978
- (39) "H-39, Kokoolau," Hawaii, June 4, 1978
- (40) "H-40, Mauna Loa," Hawaii, June 4, 1978
- (41) "H-41, Keaiwa Reservoir," Hawaii, June 4, 1978
- (42) "H-42, Punaluu," Hawaii, August 23, 1985
- (43) "H-43, Naalehu," Hawaii, June 4, 1978

- (44) "H-44, Honokaa," Hawaii, June 4, 1978
- (45) "H-45, Umikoa," Hawaii, June 4, 1978
- (46) "H-46, Mauna Kea," Hawaii, June 4, 1978
- (47) "H-47, Puu Oo," Hawaii, June 4, 1978
- (48) "H-48, Puu Ulaula," Hawaii, June 4, 1978
- (49) "H-49, Kipuka Pakekake," Hawaii, June 4, 1978
- (50) "H-50, Wood Valley," Hawaii, June 4, 1978
- (51) "H-51, Pahala," Hawaii, June 4, 1978
- (52) "H-52, Kukaiau," Hawaii, June 4, 1978
- (53) "H-53, Keanakolu," Hawaii, June 4, 1978
- (54) "H-54, Puu Akala," Hawaii, June 4, 1978
- (55) "H-55, Upper Piihonua," Hawaii, June 4, 1978
- (56) "H-56, Kulani," Hawaii, June 4, 1978
- (57) "H-57, Kilauea Crater," Hawaii, August 23, 1985
- (58) "H-58, Kau Desert," Hawaii, June 4, 1978
- (59) "H-59, Naliikakani Point," Hawaii, June 4, 1978
- (60) "H-60, Papaaloa," Hawaii, October 22, 1993
- (61) "H-61, Akaka Falls," Hawaii, November 23, 1987
- (62) "H-62, Piihonua," Hawaii, June 4, 1978
- (63) "H-63, Puu Makaala," Hawaii, June 4, 1978
- (64) "H-64, Volcano," Hawaii, June 4, 1978
- (65) "H-65, Makaopuhi Crater," Hawaii, June 4, 1978
- (66) "H-66, Papaikou," Hawaii, June 4, 1978
- (67) "H-67, Hilo," Hawaii, June 4, 1978
- (68) "H-68, Mountain View," Hawaii, June 4, 1978
- (69) "H-69, Kalalua," Hawaii, June 4, 1978
- (70) "H-70, Kalapana," Hawaii, August 23, 1985
- (71) "H-71, Keaau Ranch," Hawaii, June 4, 1978
- (72) "H-72, Pahoa North," Hawaii, June 4, 1978
- (73) "H-73, Pahoa South," Hawaii, June 4, 1978
- (74) "H-74, Kapoho," Hawaii, June 4, 1978
- (75) "M-1, Honolua," Maui, June 4, 1978
- (76) "M-2, Lahaina," Maui, June 4, 1978
- (77) "M-3, Olowalu," Maui, June 4, 1978
- (78) "M-4, Kahakuloa," Maui, June 4, 1978
- (79) "M-5, Wailuku," Maui, June 4, 1978
- (80) "M-6, Maalaea," Maui, June 4, 1978
- (81) "M-7, Paia," Maui, June 4, 1978
- (82) "M-8, Puu O Kali," Maui, June 4, 1978
- (83) "M-9, Makena," Maui, June 4, 1978
- (84) "M-10, Haiku," Maui, August 23, 1985
- (85) "M-11, Kilohana," Maui, August 23, 1985
- (86) "M-12, Lualailua," Maui, June 4, 1978
- (87) "M-13, Keanae," Maui, June 4, 1978
- (88) "M-14, Nahiku," Maui, June 4, 1978
- (89) "M-15, Kaupo," Maui, June 4, 1978

- (90) "M-16, Hana," Maui, August 23, 1985
- (91) "M-17, Kipahulu," Maui, July 25, 1988
- (92) "Mo-1, Ilio Point," Molokai, June 4, 1978
- (93) "Mo-2, Molokai Airport," August 23, 1985
- (94) "Mo-3, Kaunakakai," Molokai, August 23, 1985
- (95) "Mo-4, Kamalo," Molokai, June 4, 1978
- (96) "Mo-5, Halawa," Molokai, June 4, 1978
- (97) "Lanai," June 4, 1978
- (98) "Kahoolawe," June 4, 1978
- (99) "0-1, Kaena," Oahu, June 4, 1978
- (100) "0-2, Waianae," Oahu, June 4, 1978
- (101) "0-3, Waimea," Oahu, December 13, 2002
- (102) "0-4, Haleiwa," Oahu, August 23, 1985
- (103) "0-5, Schofield Barracks," Oahu, June 4, 1978
- (104) "0-6, Ewa," Oahu, June 4, 1978
- (105) "0-7, Kahuku," Oahu, June 4, 1978
- (106) "0-8, Hauula," Oahu, June 4, 1978
- (107) "0-9, Waipahu," Oahu, June 4, 1978
- (108) "0-10, Puuloa," Oahu, August 23, 1985
- (109) "0-11, Kahana," Oahu, March 24, 1994
- (110) "0-12, Kaneohe," Oahu, March 24, 1994
- (111) "0-13, Honolulu," Oahu, August 23, 1985
- (112) "0-14, Mokapu," Oahu, August 23, 1985
- (113) "0-15, Koko Head," Oahu, August 23, 1985
- (114) "K-1, Makaha Point," Kauai, June 4, 1978
- (115) "K-2, Kekaha," Kauai, June 4, 1978
- (116) "K-3, Haena," Kauai, August 12, 1992
- (117) "K-4, Waimea Canyon," Kauai, June 4, 1978
- (118) "K-5, Hanapepe," Kauai, June 4, 1978
- (119) "K-6, Hanalei," Kauai, June 4, 1978
- (120) "K-7, Waialeale," Kauai, June 4, 1978
- (121) "K-8, Koloa," Kauai, August 23, 1985
- (122) "K-9, Anahola," Kauai, June 9, 2006
- (123) "K-10, Kapaa," Kauai, June 9, 2006
- (124) "K-11, Lihue," Kauai, August 23, 1985



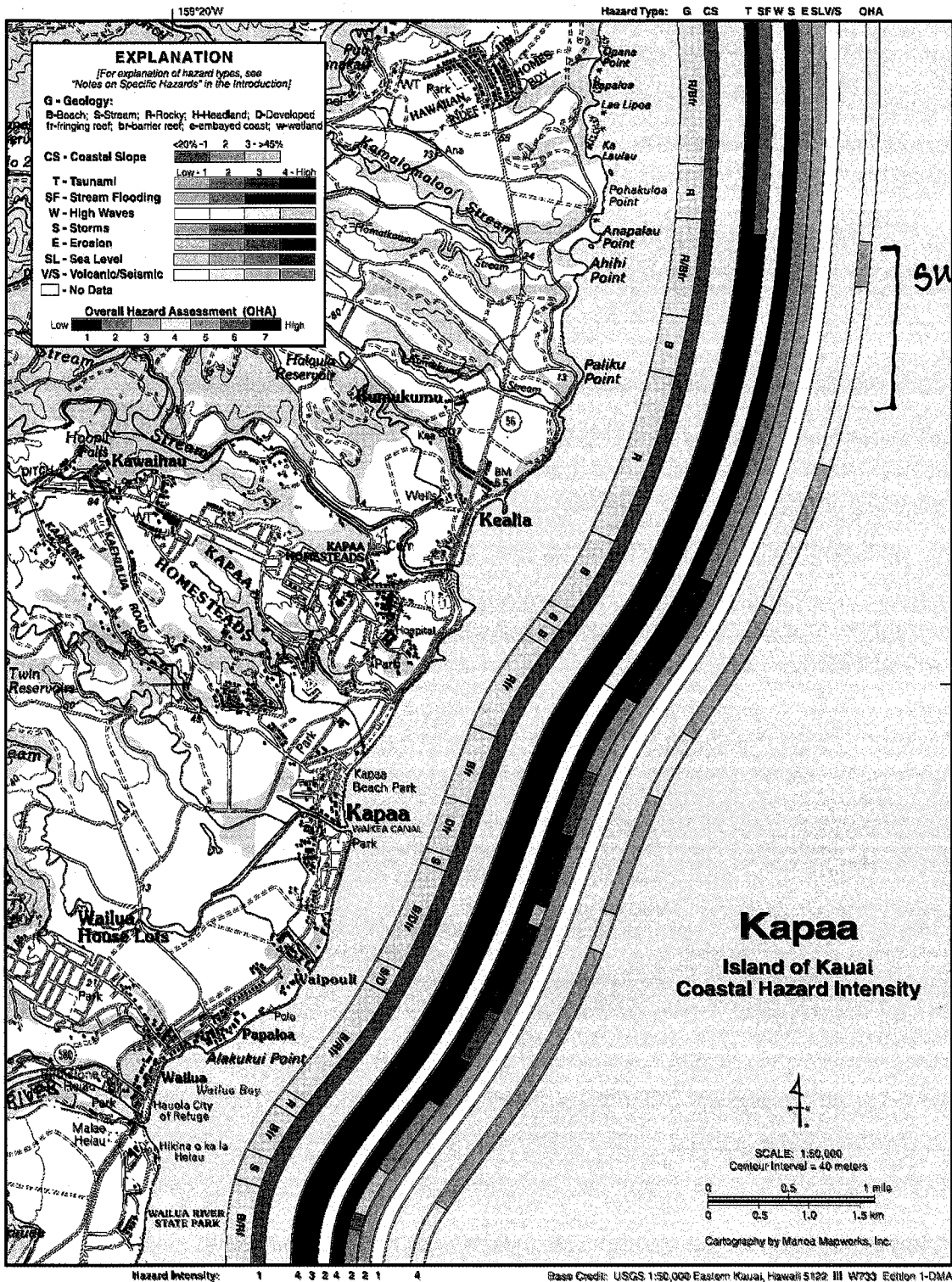


EXHIBIT 9

Subject
Jaws

Georeferenced NOAA/NOS Aerial Photography by Pacific Disaster Center (PDC) in year 2000

EXHIBIT 10